IN RE: PETITION FOR RESIDENTIAL \* BEFORE THE
CONING VARIANCE
S/S Wiseburg Road, 100 ft. W of \* ZONING COMMISSIONER
c/l of Bernoudy Road
725 Wiseburg Road \* OF BALTIMORE COUNTY
Ith Election District
3rd Councilmanic District \* Case No. 93-5-A

Howard Glen Miller, et ux
Petitioners

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A03.4.b.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 ft., in lieu of the required 50 ft., for a covered carport, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently sound RC4

38Ve do solemnly declare and affirm, under the penalties of perjury, that I/we are the

Moward Glen Miller

725 Wiseburg Rd

for the property located at 725 Miseburg Rd, White Hall, Md 21161

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 14034. But to permit a sideyard

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

1. To place addition in back of house would be too close to septic system.

I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

4. Wife near retirement, has health problems, necessitating carport addition

Addition in spirit of ordinance, conforms with house design, open in nature.

practical difficulty, home purchased 7/12/1960

Property is to be posted and advertised as prescribed by Zoning Regulations.

2. Neighbors do not object to proposed addition.

closer to house than present driveway.

REVIEWED BY A & Ogli DATE 7/6/98
ESTIMATED POSTING DATE 7/86/92

setback of h feet instead of the required feet. For purposes of addition of a

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2 day of 1992 that the Petition for a Zoning Variance from Section 1A03.4.b.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 ft., in lieu of the required 50 ft., for a covered carport, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

IDER RECEIVED FORFILING

LES/mmn

\_-:

ORDER RE Date By

APPLICATION OF HOWARD G. & MARY F. MILLER FOR AN ADMINISTRATIVE ZONING VARIANCES TO PERMIT A SIDEYARD SETBACK OF FOUR FEET, JULY 6, 1992

## DESCRIPTION OF PROPERTY

Beginning at a point on the South side of Wiseburg Road which is 24 feet wide at the distance of approximately 1000 feet West of the centerline of the nearest improved intersecting street which is Bernoudy Road which is 24 feet wide. Being recorded as Deed Liber 3724 Folio 445 and includes measurements of N.65° W. of 100', N. 8 1/2° W 455' by N. 56° E., 62′, by S. 24° E., of 256.6′ by S.3°, 20'¢, 283.4' to the place of beginning, containing approximately 47600 square feet.

Also known as 725 Wiseburg Road and located in the 7th Election District of Baltimore County.

PROPDESC

ITEM #:

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 11, 1992

Mr. and Mrs. Howard Glen Miller 725 Wiseburg Road White Hall, Maryland 21161

RE: Petition for Residential Zoning Variance Case No. 93-5-A

Dear Mr. and Mrs. Miller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn encl.

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 725 Wiseburg Road, White Hall, Md 2116k which is presently zoned RCh

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802 OCC to permit a sideyard setback of 4 feet instead of the required of feet. For purposes of addition of

a covered carport.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons (indicate hardship or practical difficulty: Home purchased 7/12.1960,

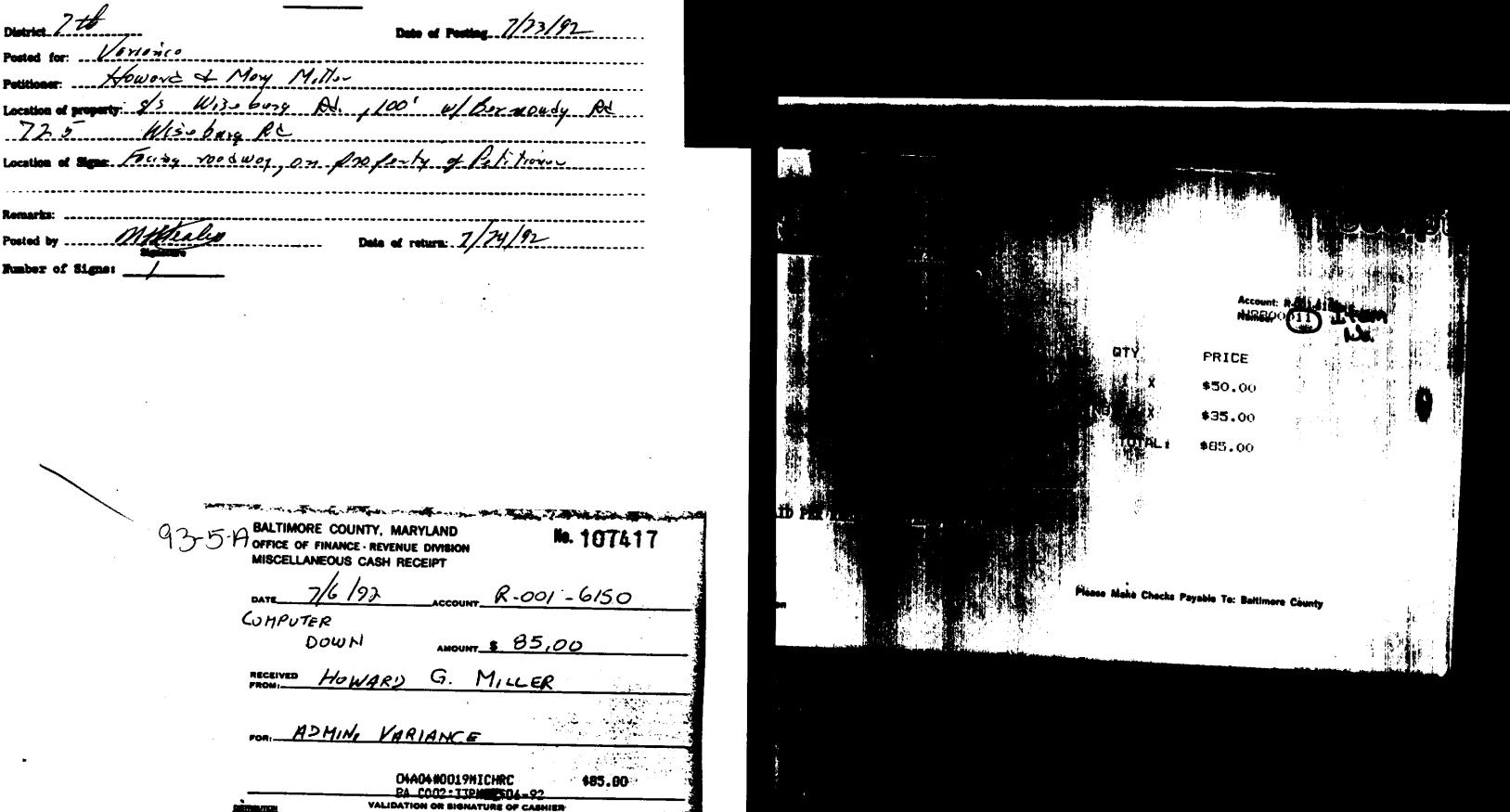
1. To place addition in back of house would be too close to septic system.
2. Neighbors do not object to proposed addition.

3. Addition in spirit of ordinance, conforms with house design, open in nature.
4. Wife near retirement, has health problems, necessitating carport addition closer to house than present dri/eway.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

(Type or Print Name) Signature		Howard Glen Miller  The or Frint Name.  Would All (	00
Signature		Monard Selly 1	1 1/1/
		Signature	uller
Address		Mary F. Miller	
City	State Zipcode	Signature 5	
Attorney for Petitioner			Mork 527-4081
(Type or Print Name)	<del></del>	725 Wiseburg Ri	Home 357-3083
		White Hall, Md., 2116	
Signature		Gity Name Address and phone number of legal own to be contacted	
Address	Phone No	Howard G. Miller	Work 527-4061 Home 357-8083
City	State Zipcode	725 Wiseburg Road	Thite Hall, Md 211



11 West Chesapeake Avenue Towson, MD 21204

August 6, 1992

(410) 887-3353

Mr. & Mrs. Howard G. Miller 725 Wiseburg Road

> RE: Item No. Work#1, Case No. 93-5-A Petitioner: Howard G. Miller, et ux Petition for Administrative Variance

Dear Mr. & Mrs. Miller:

White Hall, MD 21162

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

411 West Chesapeake Avenue Towson, MD 2120 r

(410) 887-3353

7250-92

Your petition has been received and accepted for filing

ZONING PLANS ADVISORY COMMITTE

Petitioner: Howard G. Miller, et ux Petitioner's Attorney:

this 6th day of July

Printed on Recycled Paper

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Printed on Recycled Paper

BAL MORE COUNTY, MAR AND

INTER-OFFICE CORRESPONDENCE

DATE:

July 27, 1992

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson $\mathscr{W}$ Development Coordinator, DEPRM

Zoning Item \*Work #1 #725 Wiseburg Road Zoning Advisory Committee Meeting of July 20, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp

JABLON/S/TXTSBP

Project Name File Number Waiver Number Zoning Issue Meeting Date Stonegate at Patapsco (Azreal Property) TE (Waiting for developer to submit plans first) ZON DED COUNT 1 Howard Glen And Mary F. Miller 7-20-92 NC DED DEPRM RP STP TE Kimberly Woods Village, Inc. Work #2 DED DEPRM RP STP TE David F. And Frances Kelly Work #3 DED DEPRM RP STP TE Richard G. And Connie S. Rutherford DED DEPRM RP STP TE Owings Run Apartments 91360 DED DEPRM (SWM) (EIRD) COUNT 5 FINAL TOTALS COUNT 6 \*\*\* END OF REPORT \*\*\*

"BPW/Davelopers Engineering Division (Public Services)

07/27/92

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING New Courts Building 401 Bosley Avenue Towson, MD 21204

ME	IOR.	ANI	DUM

Arnold Jablon, Director - Zoning Administration & Development TO: Management

Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

JULY 21, 1992

PETITIONS FROM ZONING ADVISORY COMMITTEE - July 20, 1992

The Office of Planning and Zoning has no comments on the following petitions:

/ David F. Kelly - Item 1 Howard Glen Miller - Item 3

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

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Development Review Committee Response Horm Authorized signature Walk Hu File Number Waiver Number Zoning Issue Meeting Date 7-20-92 Kimberly Woods Village, Inc. DED DEPRM RP STP TE ED DEPRM RP STP TE LO Comments David F. And Frances Kelly DED DEPRM RP STP TE ED DEPRM RP STP TE Richard G. And Connie S. Rutherford No Comments DED DEPRM RP STP TE COUNT 4 FINAL TOTALS COUNT 4 \* \* \* END OF REPORT \* \* \*

07/27/92 DPW/Traffic Engineering Development Review Committee Respense Form Date 07/27/92 Authorized signature Kaper i Tambi f Meeting Date File Number Waiver Number Stonegate at Patapsco (Azreal Property) ZON DED TE (Waiting for developer to submit plans first) Howard Glen And Mary F. Miller Kimberly Woods Village, Inc. DED DEPRM RP STP TE David F. And Frances Kelly Work #3 DED DEPRM RP STP TE Richard G. And Connie S. Rutherford COUNT 4 FINAL TOTALS COUNT 5 \* \* \* END OF REPORT \* \* \*



Baltimore County Government Fire Department 700 East Joppa Road Suite 901 Towson, MD 21204-5500 JULY 23, 1992 (410) 887-4500 Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 RE: Property Owner: HOWARD GLEN MILLER AND MARY F. MILLER Location: #725 WISEBURG ROAD Item No.: \* WORK #1 (LEO) Zoning Agenda: JULY 20, 1992 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time. JP/KEK

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

Towson, MD 21204

111 West Chesapeake Avenue

Howard and Mary Miller 725 Wiseburg Road White Hall, Maryland 21161

Re: CASE NUMBER: 93-5-A LOCATION: S/S Wiseburg Road, 100' W of Bernoudy Road 725 Wiseburg Road 7th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 26, 1992. The closing date is August 10, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

(410) 887-3353

July 6, 1992 (1)-17 +)

Zoning Commissioner of Baltimore County Towson, Md. 21204

RE: Application of Howard G. & Mary F. Miller for Variance to Side set back of property located at 725 Wiseburg Rd.

Dear Mr. Commissioner:

It is my understanding that Mr. & Mrs. Miller want to add a carport to the side of their home and to do so they will need a variance.

I am the the President of the Trustees of Wiseburg Cementery, Inc. located within 1000 feet of the Miller property. Mr. & Mrs. Miller have reviewed their plans with me. I want you to know that Wiseburg Cemetery has no objection to the variance and I urge your approval.

My address is: 721 Wiseburg Rd White Hall, Md. 21161 (113. h) h-)

July 6, 1992

Zoning Commissioner of Baltimore County Towson, Md. 21204

RE: Application of Howard G. & Mary F. Miller for Variance to Side set back of property located at 725 Wiseburg Rd.

Doar Mr. Commissioner:

Subdivision name: \_\_\_\_no ne plat book#\_\_\_\_,folio#\_\_\_\_,lot#\_\_\_\_,section#\_\_\_\_

It is my understanding that Mr. & Mrs. Miller want to add a carport to the side of their home and to do so they will need a variance.

Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 725 Wiseburg Rd, White Hall, Md 21161 see pages 5 & 6 of the CHECKLIST for additional required information

IN ISFBURG CHURCH LANGIHODIST)

As a resident located within 1000 feet of Mr. Miller's proposed carport property line, I do not object to the proposed addition, and I urge your approval.

negrow of Stiffer

My address is: 8.7 Wiseburg Rd White Hall, Md. 21161

July 6, 1992

Zoning Commissioner of Baltimore County Towson, Md. 21204

RE: Application of Howard G. & Mary F. Miller for Variance to Side set back of property located at 725 Wiseburg Rd.

Dear Mr. Commissioner:

It is my understanding that Mr. & Mrs. Miller want to add a carport to the side of their home and to do so they will need a variance.

I am the next door neighbor immediately to the East of Mr. & Mrs. Miller They have reviewed their plans with me. As the most directly affected neighbor in the Community I want you to know I have no objection to the proposed variance, and I urge your approval.

> Sincerely, Marin m. nagler

My address is: 727 Wiseburg Rd White Hall, Md. 21161

> PRICE NEIGHOL

Howard G. & Mary F. Miller

White Hall, Maryland 21161

725 Wiseburg Road

July 6, 1992

Commissioner of Zoning Baltimore County Maryland Towson. Maryland 21204

RE: Application of Howard G. & Mary F. Miller Petition for Administrative Zoning Variance 725 Wiseburg Road

Dear Mr. Commissioner:

Enclosed herewith for filing is the above-cited application for an administrative zoning variance to allow a side yard setback of 4 feet at 725 Wiseburg Road, for the purposes of building a carport.

The following documents are contained in this application:

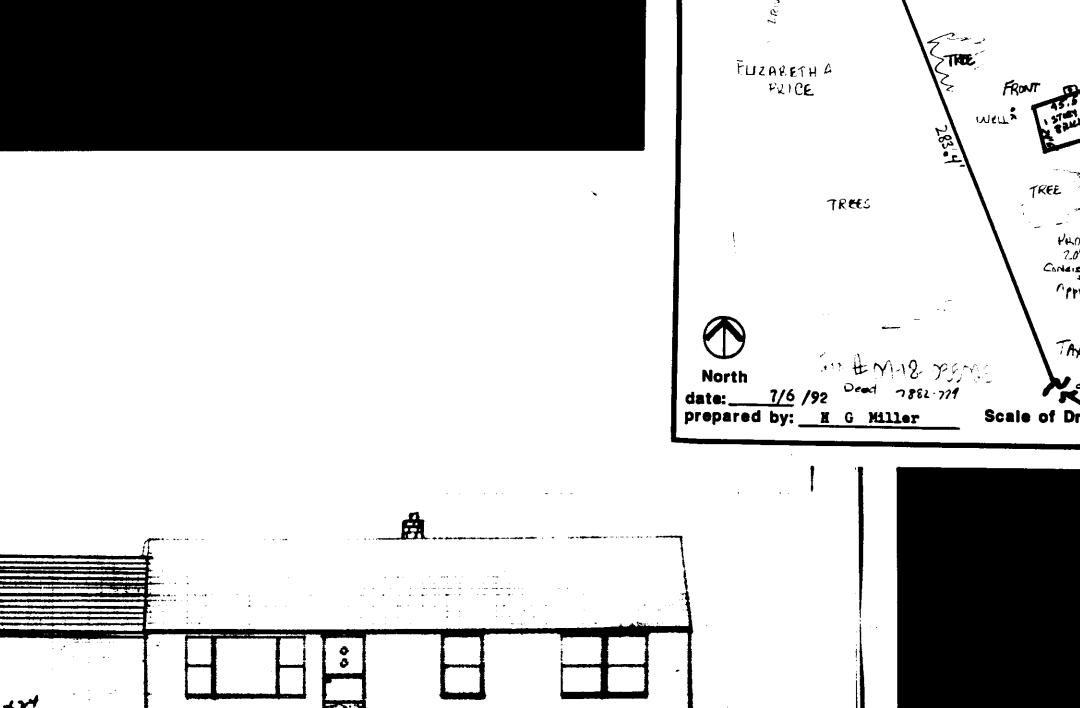
- 1. 3 original petition/affidavit forms duly signed and notarized.
- 2. 12 copies of plat plan. (also a conceptual drawing of proposed addition as information)
- 3. 3 copies of description of property
- 1 set of photos of property/surrounding area.
   1 one inch to 200 feet aerial photo map. 6. 1 one inch to 200 feet official zoning map.
- 7. Letters from immediately surrounding neighbors
- supporting application. 8. Check to cover filing and posting fees.

It is our desire to build an addition in keeping with our home and our neighbors property. The plans have been reviewed with neighbors for their concurrence (see item 7 above).

Your approval is respectfully requested.

incerely, Howard G. Miller

ham/dd transltr



HOWARD & & MARY F. MILLER
725 WISEBURG RD
WHITE HALL, MD 2116'

7/6/92

IF PRESENT HOUSE

